

**MINUTES
OF THE MONROE COUNTY
BOARD OF COUNTY COMMISSIONERS**

Regular Meeting
Board of County Commissioners
Wednesday, August 12, 1998
Key Largo, Florida

A Regular Meeting of the Monroe County Board of County Commissioners convened at 10:00 a.m., on the above date, at the Key Largo Library. Present and answering to roll call were Commissioner Keith Douglass, Commissioner Wilhelmina Harvey, Commissioner Mary Kay Reich, and Mayor Jack London. Absent was Commissioner Shirley Freeman. Also present were Danny L. Kolhage, Clerk; Isabel C. DeSantis, Deputy Clerk; James T. Hendrick, County Attorney; James Roberts, County Administrator; County Staff, members of the Press and Radio; and the general public.

All stood for the Invocation and Pledge of Allegiance.

ADDITIONS, CORRECTIONS, AND DELETIONS

Motion was made by Commissioner Harvey and seconded by Commissioner Douglass granting approval of Additions, Corrections, and Deletions to the Agenda. Motion carried unanimously.

PRESENTATION OF AWARDS

A Mayor's Proclamation was made declaring September 17 through 23, 1998 as Constitution Week.

BULK APPROVALS

Motion was made by Commissioner Harvey and seconded by Commissioner Douglass granting approval of the following items by unanimous consent:

Board granted approval to remove surplus equipment from inventory and advertise for bids or dispose, and also accept bids. Said schedule of surplus items is incorporated herein by reference.

Board granted approval and authorized execution of an Agreement between Monroe County and Robert J. Nelms, Jr., MD, District Sixteen Medical Examiner.

Board granted approval of Issuance of Certificate of Public Necessity to Key Largo Ambulance Corps, Inc., for the operation of an ALS transport ambulance service.

Board granted approval and authorized execution of a Medical Director Contract Addendum between Monroe County and EmCare, Inc. d/b/a PES-EmCare for expansion of services and to extend the contract term for an additional one (1) year period, expiring September 30, 1999.

Board granted approval and authorized execution of an Agreement between Monroe County and Florida Power & Light Company concerning Radiological Emergency Preparedness for Fiscal Year 1999 and Fiscal Year 2000.

Board granted approval and authorized execution of a Consultant Agreement between Monroe County and Pallans Associates concerning the development of a county-wide communications plan for the Sheriff's and other Monroe County Departments.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 1)

RESOLUTION NO. 297-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 2)

RESOLUTION NO. 298-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 3)

RESOLUTION NO. 299-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 4)

RESOLUTION NO. 300-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds. (OMB Schedule Item Number 5)

RESOLUTION NO. 301-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 6)

RESOLUTION NO. 302-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 7)

RESOLUTION NO. 303-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 8)

RESOLUTION NO. 304-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 9)

RESOLUTION NO. 305-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 10)

RESOLUTION NO. 306-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 11)

RESOLUTION NO. 307-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 12)

RESOLUTION NO. 308-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 13)

RESOLUTION NO. 309-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds. (OMB Schedule Item Number 14)

RESOLUTION NO. 310-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds. (OMB Schedule Item Number 15)

RESOLUTION NO. 311-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Schedule Item Number 16)

RESOLUTION NO. 312-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds. (OMB Schedule Item Number 17)

RESOLUTION NO. 313-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval to submit an application to the FY 98 Local Law Enforcement Block Grant Program to provide funding for the Monroe County 16th Judicial Circuit Drug.

Board granted approval and authorized execution of an Agreement between Monroe County and the Boys and Girls Club of the Keys Area, Inc., to provide funding for youth activities in the Upper Keys.

Board granted approval to award Contract to Napa Parts for distribution of vehicle and equipment parts and supplies for the County's Garage Facilities and authorized execution of same.

Board granted approval to award bid to Ecosystematics, Inc. (the lowest responsive bidder) for operation and maintenance of the Plantation Key Government Complex Sewage Treatment Plant, and authorized execution of same.

Board granted approval to award bid to Airmax Service Corporations for air conveyance systems cleaning at the Marathon Government Center and the Marathon Government Center Annex in the amount of \$22,300 and authorized execution of same.

Board granted approval to renew Agreement between Monroe County and Sub Zero, Inc. for central a/c repair - Lower Keys facilities, in an amount not to exceed \$15,000 per year and authorized execution of same.

Board granted approval to renew Agreement between Monroe County and Houston Air, Inc. for central a/c repair - Upper Keys facilities, in an amount not to exceed \$15,000 per and authorized execution of same.

Board granted approval to renew Contract between Monroe County and G & K Service, Inc. for uniform service for the Public Works Division, in an amount no to exceed \$45,000 per year and authorized execution of same.

Board granted approval to temporarily suspend the month to month Integrated Pest Management Contract between Monroe County and Keys Pest Control and authorized to establish in-house pest management utilizing approved chemical and pest traps in the work place on a trial basis.

Board granted approval to enter into a negotiated Lease Agreement between Monroe County and Conch Cruisers, Inc., Sal Parrinello, for the restaurant/concession at Clarence E. Higgs Memorial Beach and authorized execution of same.

Board granted approval to advertise for bids for the procurement of design/build services to construct a wastewater mechanical screening system at the Monroe County Detention Center wastewater treatment plant.

Board granted approval to award bid and enter into a Contract between Monroe County and Tom Ryan, Inc., for Veterans Park - ADA Restroom & Sewage System Upgrade, in the amount of \$73,140 and authorized execution of same.

Board granted approval to award bid and enter into a Contract between Monroe County and The Brewer Company of Florida, Inc. for Key Largo Roads XIV Roadway Improvements, in the amount of \$227,788.48 and authorized execution of same.

Board granted approval of labor and materials for the installation of telephone and computer equipment at Jackson Square, Key West.

Board granted approval to purchase three (3) 1998 Ford Taurus' from World Ford Hollywood per FY 98 adopted budget.

Board granted approval of settlement of a Code Enforcement lien on the property of James Mann and Gail Fox (Code Enforcement Board - Case No. M7-94-143 and/or 96-10132-CA-09).

Board granted approval and authorized execution of a Contractual Agreement between Monroe County and the South Florida Employment and Training Consortium (SFETC) for Intake and Liaison

- Services, Contract Number 2A-PY'98-02-01, (7/7/98 - 6/30/99), pending legal review and approval.

Board adopted the following Resolution for a Medicaid Waiver Referral for the In-Home Services program and Monroe County Bayshore Manor to work together to provide respite services.

RESOLUTION NO. 314-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval and authorized execution of Amendment #1 to USDA Rate Agreement US-851 between Monroe County and the Alliance for Aging, Inc.

Board granted approval and authorized execution of a Contract Agreement between Monroe County and the Redland Company, Inc., for the repair, replacement and/or the relocation of channel markers in the Lower Keys.

Board granted approval and authorized execution of a Contract Agreement between Monroe County and the Redland Company, Inc. for the repair, replacement and/or the relocation of channel markers in the Upper Keys.

Board adopted the following Resolution authorizing an allocation from the Boating Improvement Fund in the amount of \$50,000 and the use of \$50,000 from the Special Waterways Program Grant for use in providing pump out facilities at Key West Bight.

RESOLUTION NO. 315-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval and authorized execution of a Supplemental Joint Participation Agreement, Contract No. AF 373, between Monroe County and the Florida Department of Transportation for the commercial aviation apron project at the Key West International Airport.

Board granted approval and authorized execution of a Supplemental Joint Participation Agreement, Contract No. AF 374, between Monroe County and the Florida Department of Transportation for the general aviation apron project at the Key West International Airport.

Board granted approval and authorized execution of Purchase Service Order No. 97/98-19 to prepare design plans and specifications to resurface and mark Runway 9-27, and parallel and connecting taxiway.

Board granted approval of award of bid to First

National Bank of the Florida Keys, for the installation and operation of a banking Automated Teller Machine (ATM) at the Key West International Airport and authorized execution of same.

Board granted approval to rescind Agreement between Marathon FBO, Inc. and Golden Wings, Inc.

Board granted approval to renew Lease Agreement between Monroe County and the Federal Aviation Administration for storage space at the Key West International Airport.

Board granted approval and authorized execution of an Amendment to Lease for Snack Bar, Restaurant and Lounge at the Marathon Airport.

Board granted approval to advertise Request for Bids to finish tenant rental space for the National Weather Service, in the Adam Arnold Annex, at the Key West International Airport.

Board adopted the following Resolution concerning the Transfer of Funds. (OMB Verbal Add On Number 1)

RESOLUTION NO. 316-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds. (OMB Verbal Add On Number 2)

RESOLUTION NO. 317-1998

See Res. Book No. 139 which is incorporated herein by reference.

Resolution amending Resolution No. 113-1998. (OMB Verbal Add On Number 3)

RESOLUTION NO. 318-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval and authorized execution of a FY 99 Low-Income Energy Assistance Program Grant - Modification of Agreement between Monroe County and the Florida Department of Community Affairs, Modification #1, Contract No. 98EA-9A-11-54-01-018. This is a weather related or supply shortage crisis Program.

Board granted approval and authorized execution of a FY 99 Low-Income Energy Assistance Program Grant - Modification of Agreement between Monroe County and the Florida Department of Community Affairs, Modification #2, Contract No. 98EA-9A-11-54-01-018. This is a weather related or supply shortage crisis program.

Board granted approval to go out for bids and/or proposals, if required, so that we can purchase air conditioners, fans, and installation costs concerning the Low-Income Home Emergency Assistance Program. This is a weather related or supply shortage crisis program.

Board granted approval and authorized execution of an Agreement for Professional Services between Monroe County and APPX Software, Inc. (initial programming changes, licensure, installation, training): this software is needed to operate welfare client program.

TOURIST DEVELOPMENT COUNCIL

Board granted approval and authorized execution of an Amendment to Agreement between Monroe County and Dolphin Research Center to extend Contract period to September 30, 1999.

Board granted approval to issue a Purchase Order to Xerox Corporation for 36 month rental of a Xerox fax 7042 piggyback on Marion County Contract, cost of \$78 per month including maintenance. This facsimile is to replace an old system that is no longer operational.

Board granted approval and authorized execution of an Addendum to Agreement between Monroe County and Prange & O'Hearn to provide services for a Visitor Profile Survey to be amended to allow for additional questions to be asked of respondents and for the County to pay an additional \$.50 per survey (250 surveys per month) for a total amount not to exceed \$27,987.50 FY '98 and \$19,987.50 FY '99.

Board granted approval and authorized execution of an Grant of Funds Agreement between Monroe County and Dolphin Research Center for capital improvement project, FY '98, DCA III, Third Penny, in the amount of 5,000.

Board granted approval and authorized execution of an Amendment to Agreement between Monroe County and Pigeon Key Foundation to extend the contract period to September 30, 1999.

Board granted approval and authorized execution of an Agreement between Monroe County and Stuart Newman Associates to provide Public Relation Services for Monroe County covering a period commencing October 1, 1998 and terminating on September 20, 2001 with an option to extend contract for an additional 12 month period in an amount not to exceed \$304,000 - FY '99, \$324,000 - FY '2000, and \$344,000 - FY 2001.

Board granted approval and authorized execution of an

Agreement between Monroe County and Pigeon Key Foundation, Inc. for capital improvement project, FY '98, DCA III, Third Penny, in the amount of \$4,866.

Board granted approval and authorized execution of an Agreement between Monroe County and the Florida Keys Land & Sea Trust for capital improvement project, FY '98, DAC III, Third Penny, in the amount of \$6,000.

CONSENT AGENDA / BULK APPROVALS

Board granted approval and authorized execution of a the following: Pursuant to Ordinance No. 016-1992, these documents have been filed by the applicants receiving a dwelling unit allocation award for quarters ending April 13, 1998.

<u>Permit #</u>	<u>Name on Restrictive Covenant</u>	<u>Legal</u>
98-3-0833	Fred Snowman	Lots 3 & 4, Block 2, Anglers Park

See Page 98/238A - concerning Agenda item K.3

Board granted approval and authorized execution of a Grant of Conservation Easement for Tract 1 & 4 of the Subdivision of Lots 3 & 4, Plat Book 2, Page 59, Monroe County, Florida between Marek Kiyashka and Monroe County, Florida.

Board granted approval of a proposed list of members of the Stormwater Technical Advisory Committee. Said list is incorporated herein by reference.

Board adopted the following Resolution authorizing Lewis Environmental Services (LES) to subcontract the remaining work under the existing contract to develop a revised Habitat Evaluation Index (HEI), section 9.5-336 through 9.5-342, Monroe County Land Development Regulations) to Jon Guerrey Taylor, P.E., Inc. and extending the completion date for all remaining contract deliverables to August 12, 1998. **This item is reconsidered later in the meeting and amended.**

RESOLUTION NO. 319-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval for transfer of one buildable lot to Monroe County by Warranty Deed. Pursuant to Ordinance No. 016-1992, these documents have been filed by the applicants receiving a dwelling unit allocation award for quarters ending April 13, 1998.

<u>Permit #</u>	<u>Name on Warranty Deed</u>	<u>Legal</u>
97-1-1845	Peter Adorno	Lot 21, Block 6 Pine Key Yacht Club Estates Big Pine Key

Board granted approval of the Intermodal Surface Transportation Efficiency Act (ISTEA) grant proposals.

Board adopted the following Resolution authorizing funds in the amount of \$20,000 from Fund 1543 State Housing Initiatives Partnership Program (SHIP) in support of the City of Key West's Affordable Housing Initiative at Poinciana Housing and Terms of Repayment.

RESOLUTION NO. 320-1998

See Res. Book No. 139 which is incorporated herein by reference.

MONROE COUNTY SHERIFF'S DEPARTMENT

Board granted approval of the following expenditures from the Law Enforcement Trust Fund in the total amount of \$106,816:

\$1,505	To equip seven traffic enforcement patrol units with rear deck strobe lights
3,000	Registration fee to the Florida Corrections Accreditation for the Monroe County Jail
1,094	Equipment for a Bicycle Safety Day in partnership with the Kiwanis Club of the Upper Keys
13,505	Request by the Monroe County School Board for restraint training for teachers and school staff and adjudication costs for all county bands
4,000	400 adult, youth and children bicycle helmets to be given to children during Bicycle Safety Demonstrations throughout the Keys
500	The American Youth Soccer Association is requesting this sum to pay for scholarships for needy players
5,000	Contribution to assist Mel Fisher Heritage Society in developing a permanent

Shipwreck Discovery Gallery for children

18,022 To allow the Community Relations Division to replenish crime prevention and children's safety material

5,000 The Agape Women's Center is requesting this amount to cover scholarships for women who are released from jail

2,500 The Boy Scouts of America, Buccaneer District is requesting this amount to assist in sending Scouts to summer camp

300 The costs of hats to be given to children at the Sunny Shores Seacamp suffering from cystic fibrosis

2,390 To equip 2 K-9 units with K-9 Hot-n-Pop Systems.

50,000 To replenish the TRAP program funds

Board granted approval of disposition of inventory items for the third quarter of FY 97-98. Said list is incorporated herein by reference.

Board granted approval to remove all inventory items listed under \$500 from the Sheriff's Office fixed asset inventory list as of September 30, 1997. Said list is incorporated herein by reference.

Board granted approval to remove items that were previously junked or deleted from our current inventory list which have been carried in error with an on-hand value. Said list is incorporated herein by reference.

COMMISSIONERS' ITEMS

Board adopted the following Resolution in recognition of the late Diana Mirta Valladares.

RESOLUTION NO. 321-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval of Commissioner Freeman's reappointment of Mr. Michael Ingram to the Tourist Development Council.

Board granted approval of a request from Pete Myers,

Chairman, of Florida Keys Council for the Handicapped, to change their name to The Florida Keys Council for People with Disabilities.

Board granted approval to retain the name of Monroe County Fire/Rescue Service.

Board adopted the following Resolution concerning the removal or relocation of the mobile homeowners of the Coral Key Village Mobile Home Park on Conch Key.

RESOLUTION NO. 322-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval of the Rural Health Network of Monroe County, Florida, Inc.'s proposal to the Monroe County Board of County Commissioners for funding of a Primary Care "MediVan" to supply primary care assistance county-wide for the uninsured and homeless, contingent upon receiving a three (3) year grant for operations.

COUNTY ADMINISTRATOR

Board adopted the following Resolution amending Section 3 of Resolution No. 352-1990 (as amended) in order to provide that membership of the Matecumbe Historical Board be expanded to seven members and approval to appoint Dennis Taylor as the new seventh member to serve a four year term.

RESOLUTION NO. 323-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval of florist expenses for the Adam Arnold Annex Dedication from the Board of County Commissioners' promotional account.

Board granted approval of florist expenses related to the recent illness of Elaine London from the Board of County Commissioners' promotional account.

Board confirmed the Administrator's appointment of Donald Horton as the Senior Director of the Building Department/Building Official.

Board granted approval and authorized execution of a Financial Agreement between Monroe County and the Florida Healthy Kids Corporation in an amount not to exceed \$21,000.

COUNTY CLERK

FINES AND FORFEITURES

Board approved the following Fine and Forfeiture Expenditures:

COMPETENCY & PSYCHOLOGICAL EVALUATIONS, Care Center for Mental Health, in the amount of \$350.00; Leslie Morgan, in the amount of \$350.00; Guillermo Marcovici, M.D., in the amount of \$450.00; Deborah Harrison, in the amount of \$250.00; James Holbrook, in the amount of \$700.00.

COURT ORDERED ATTORNEY CONFLICT, Manuel Garcia, in the amount of \$7,976.25; Carl Palomino, in the amount of \$350.00; Cunningham, Albritton, Miller, Heffernan, Crimella & Hamilton, in the amount of 373.75; Greenman & Manz, in the amount of \$350.00; Maria Betancourt, in the amount of \$2,010.00; Victoria Mcfadyen, in the amount of \$713.75.

COURT REPORTER SERVICES, Associated Court Reporters, in the amount of \$1,722.00; Florida Keys Reporting, in the amount of \$972.50; Amy Landry, in the amount of \$1,193.50; Fred W. Jeske, in the amount of \$884.25; Martin Leshaw, in the amount of \$219.48; National Reporting, in the amount of \$60.00; Suzanne Ex, in the amount of \$450.25; Vicky Lynn Doty, in the amount of \$1,122.00.

COURT INTERPRETERS, William Waddell, in the amount of \$335.00; Jose Menendez, in the amount of \$981.36; Basia Dziejanoski, in the amount of \$25.00; Christela Brevil, in the amount of \$88.84; Estrella Garcia, in the amount of \$725.00; Eva Spain, in the amount of \$25.00; Humberto Jimenez, in the amount of \$25.00; Jenine Ouillette, in the amount of \$50.00; Jiri Dolezal, in the amount of \$30.00; Mary Lou Waas, in the amount of \$460.00; Mayda Maloney, in the amount of \$110.00; Sergio Alvarez, in the amount of \$350.68.

WITNESS COORDINATION, Witness Travel & Per Diem, in the amount of \$924.94, Payroll, in the amount of \$255.00.

COUNTY CLERK

Board approved the following Warrants:

General Revenue Fund (001), #'s 309872-312052, in the amount of \$7,077,064.35.

The Board granted official approval of the June 10, 11, and 22, 1998 Board of County Commission meeting minutes.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds.

RESOLUTION NO. 324-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds.

RESOLUTION NO. 325-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Receipt of Unanticipated Funds.

RESOLUTION NO. 326-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution concerning the Transfer of Funds.

RESOLUTION NO. 327-1998

See Res. Book No. 139 which is incorporated herein by reference.

The Board discussed its' appointment of a Commissioner to the Value Adjustment Board for 1998 to replace Mayor Jack London. Motion was made by Mayor London and seconded by Commissioner Reich appointing Commissioner Shirley Freeman to the 1998 Value Adjustment Board. Motion carried unanimously.

Board approved submission of the Annual Audit of the Board of County Commissioners for the Fiscal Year ending September 30, 1997.

COUNTY ATTORNEY

Board adopted the following Resolution setting the date, time and place for a public hearing concerning the proposed abandonment of a portion of Brown Drive, Ramrod Shores, Third Addition, Ramrod Key.

RESOLUTION NO. 328-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution setting the date, time and place for a public hearing concerning the proposed abandonment of a drainage and/or utility easement for Lot 6 and South Half of Lot 5, Block 4, Cudjoe Gardens, Cudjoe Key.

RESOLUTION NO. 329-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board granted approval to advertise an Ordinance amending Section 6-83, 6-84, 6-87 and 6-90, Monroe County Code, in order to add three public members to the Contractors Examining Board, providing authority for the fine for unlicensed activity to be reduced to no less than \$100; Providing for severability; Providing for the repeal of all Ordinances inconsistent herewith; Providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

Board granted approval to advertise an Ordinance establishing the grounds upon which a Motion for Disqualification of a Monroe County Special Master or Hearing Officer shall be based and the criteria to be used in ruling on such motion; Providing for appellate review of an Order Denying a Motion for Disqualification to the Board of County Commissioners of Monroe County, Providing for severability; Providing for the repeal of all Ordinances inconsistent herewith; Providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

Board adopted the following Resolution evidencing the Board's approval of a Recommended Beneficial Use Determination promulgated by the Beneficial Use Hearing Officer, In Re: Mary Sterling and Ray Howe Beneficial Use Application.

RESOLUTION NO. 330-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution evidencing the Board's approval of a Recommended Vested Rights Determination promulgated by the Vested Rights Hearing Officer, In Re: The Application of Lawrence Grapentine.

RESOLUTION NO. 331-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution evidencing the Board's approval of a Recommended Vested Rights Determination promulgated by the Vested Rights Hearing Officer, In Re: The Application of Richard Loud.

RESOLUTION NO. 332-1998

See Res. Book No. 139 which is incorporated herein by reference.

Board adopted the following Resolution evidencing the Board's approval of a Recommended Vested Rights Determination promulgated by the Vested Rights Hearing Officer, In Re: The Application of Stanley Weeks.

RESOLUTION NO. 333-1998

See Res. Book No. 139 which is incorporated herein by reference.

Motion carried unanimously.

MISCELLANEOUS BULK APPROVALS

Public Safety Director Reggie Paros addressed the Board. Motion was made by Commissioner Reich and seconded by Commissioner Douglass granting approval and authorizing execution of Modification No. 1 to the Local Mitigation Strategy Plan Agreement #98-LM-4H-1554-01-044 and the Interlocal Agreement with the Village of Islamorada. Motion carried unanimously.

County Administrator James Roberts discussed with the Board the rejection of a single bid received and readvertise bids to lease the concession stand located at Harry Harris Park. Robert Cangelosi addressed the Board. Motion was made by Commissioner Reich and seconded by Commissioner Douglass granting approval to execute a Concession Stand Lease Agreement between Monroe County and Robert Cangelosi, pending legal approval. Motion carried unanimously.

Betty Vail and County Engineer Dave Koppel addressed the Board. After discussion, motion was made by Commissioner Reich and seconded by Commissioner Douglass granting approval of the Monroe County Seven Year Roadway/Bicycle Path Plan. Motion carried unanimously.

Monroe County Construction Manager Steve Piazza addressed the Board. Motion was made by Commissioner Douglass and seconded by Commissioner Harvey granting approval and authorizing execution of Change Order No. 9 between Monroe County and D. L. Porter Construction, Inc. for the Key West International Airport Renovations. Roll call vote was taken with the following results:

Commissioner Douglass	Yes
Commissioner Harvey	Yes
Commissioner Reich	No
Mayor London	Yes

Motion carried.

PUBLIC HEARINGS

A Public Hearing was held to consider a Development Agreement requested by Applicant, Lamar Louise Curry for Coral

Coast Subdivision, (except lots 14 & 14A) Section 6 and 7, Township 62 South, Range 39 East, MM 97, Key Largo, Monroe County, Florida. Planning Director Timothy McGarry and Ms. Curry addressed the Board. Motion was made by Commissioner Reich and seconded by Commissioner Harvey granting approval and authorizing execution of the Development Agreement for Coral Coast Subdivision between Lamar Louise Curry, as trustee of the Lamar Louise Curry Revocable Trust and Monroe County. Motion carried unanimously.

A Public Hearing was held concerning adoption of an Ordinance amending Section 16-1(b), Monroe County Code, Abandonment of Rights-Of-Way; Providing for severability; Providing for the repeal of all Ordinances inconsistent herewith; Providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date. There was no public input. Motion was made by Commissioner Douglass and seconded by Commissioner Reich to continue the Public Hearing to the September 9, 1998 regularly scheduled Board of County Commissioners' meeting in Marathon at 10:00 A.M. Motion carried unanimously.

A Public Hearing was held concerning adoption of an Ordinance amending Section 14-32, 14-33, 14-34, and 14-35, Monroe County Code, concerning the Commission on the Status of Women; Revising the appointment provision of the Article, Providing for Branch Meetings; Providing for severability; Providing for the repeal of all Ordinances inconsistent herewith; Providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date. There was no public input. Motion was made by Commissioner Reich and seconded by Commissioner Harvey to adopt the following Ordinance. Motion carried unanimously.

ORDINANCE NO. 024-1998

See Ord. Book No. 48 which is incorporated herein by reference.

MISCELLANEOUS BULK APPROVALS

County Administrator James Roberts addressed the Board. Motion was made by Commissioner Harvey and seconded by Commissioner Douglass granting approval and authorizing execution of a Contract Amendment for Medical Services between Monroe County and Michael Burton, D.O. Motion carried unanimously.

SOLID WASTE MANAGEMENT

Solid Waste Director Clark Lake and Michael Ozegovich representing the South Florida AFL-CIO addressed the Board. Motion was made by Commissioner Reich and seconded by Commissioner Harvey granting approval and authorizing execution of a Recyclables Operation Agreement, pending legal review, between Monroe County and Waste Management Inc. of Florida to process, transport, and market recyclables. Motion carried unanimously.

DIVISION OF COMMUNITY SERVICES/ COMMISSIONERS' ITEMS

Community Services Director Peter Horton updated the Board on the status of the DAV lease at the Marathon Airport. Betty Vail addressed the Board.

DIVISION OF PUBLIC SAFETY

County Administrator James Roberts discussed with the Board the Village of Islamorada negotiation concerning EMS services.

DIVISION OF PUBLIC WORKS

County Engineer Dave Koppel reported to the Board on bids for the Key Largo Community Park and the proposed Capital Improvements Plan.

Ms. Robin Reiter, Co-Chairperson of the Dade-Monroe Wages Coalition (Work and Gain Economic Self Sufficiency) made a presentation to the Board.

CONSENT AGENDA / BULK APPROVALS

Motion was made by Commissioner Douglass and seconded by Commissioner Harvey granting approval of renewal of the 1992 Retainer Agreement between Monroe County and the law firm of Apgar and Phelham related to the Monroe County 2010 Comprehensive Plan and authorizing execution of same. Roll call vote was taken with the following results:

Commissioner Douglass	Yes
Commissioner Harvey	Yes
Commissioner Reich	No
Mayor London	Yes

Motion carried.

GROWTH MANAGEMENT

Growth Management Director Bob Herman discussed with the Board water reuse at the Marathon Wastewater Treatment Plant, and on behalf of Ken Williams of CH2MHill, updated the Board on the Monroe County Sanitary Wastewater Master Plan.

County Attorney James T. Hendrick updated the Board on the following legal issues: Burnham ROGO; Rathkamp Vacation Rental Ordinance/Vacation Rental hearings; and the Ocean Cay (casino boat).

Mr. Hendrick also discussed with the Board Exhibit A - IN RE: Vested Rights Application of Michael Panizza and Finley Ricard, dated October 30, 1997. Motion was made by Commissioner Douglass and seconded by Commissioner Harvey authorizing the County Attorney to prepare an appropriate Resolution for same. Motion carried unanimously.

RESOLUTION NO. 334-1998

See Res. Book No. 139 which is incorporated herein by reference.

LAND AUTHORITY - SITTING AS COUNTY COMMISSION

Executive Director of the Monroe County Land Authority, Mark Rosch addressed the Board. Motion was made by Commissioner Reich and seconded by Commissioner Douglass to adopt the following Resolution authorizing the conveyance of certain real property to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. Motion carried unanimously.

RESOLUTION NO. 335-1998

See Res. Book No. 139 which is incorporated herein by reference.

Mr. Rosch addressed the Board. Motion was made by Commissioner Reich and seconded by Commissioner Douglass granting approval and authorizing execution of an Agreement between Monroe County and the Monroe County Comprehensive Plan Land Authority for property that has been pre-acquired for the ROGO grant. Motion carried unanimously.

DIVISION OF MANAGEMENT SERVICES

County Administrator James Roberts discussed with the Board the approval to change the eligibility for group health program benefits for retirees, to lower the number of years of exposure for the County. After discussion, motion was made by Commissioner Harvey and seconded by Commissioner Douglass to

postpone the item to the September 9, 1998 regularly scheduled Board of County Commissioners' meeting in Marathon. Roll call vote was unanimous.

GROWTH MANAGEMENT

Growth Management Director Bob Herman addressed the Board. Motion was made by Commissioner Douglass and seconded by Mayor London granting conceptual approval of a Memorandum of Agreement (MOA) between Monroe County, Florida Department of Community Affairs (DCA), Florida Department of Transportation (DOT), U.S. Fish and Wildlife Service (USFWS), and Florida Game and Freshwater Fish Commission to develop a Habitat Conservation Plan (HCP) for Big Pine and No Name Keys. Roll call vote was unanimous.

COMMISSIONERS' ITEMS

Commissioner Douglass updated the Board on the status of the Homestead Air Force Base.

Commissioner Harvey discussed with the Board a letter from George and Chong Parks. Mr. Parks, Mr. Herman and Mr. Hendricks addressed the Board. After discussion, motion was made by Commissioner Reich and seconded by Commissioner Douglass to rehear the item. Motion carried unanimously.

COMMISSIONERS' ITEMS / GROWTH MANAGEMENT

The Board discussed the estimated cost of marking personal watercraft exclusion zones referenced in Monroe County Ordinance No. 019-1998; and the approval of a Resolution requesting that NOAA enforce Monroe County's personal watercraft ordinance within the waters of the Florida Keys National Marine Sanctuary. The Board accepted public input with the following individuals addressing the Board: Vicki Rouillard, Manager of the Buttonwood & Bay Condominiums; Karen Lee, representing Save Our Waters Coalition; Stan Nitz, Amy Knowles, representing Save Our Waters Coalition; Charles Causey, H. T. Pontin, representing Ramrod Key Yacht Club; Captain Robert Welborn, representing the Florida Keys Power & Sailing School; Jim Hurley, representing Save Our Keys; and Pam Martin, representing Monroe County Marine & Port Advisory Committee. After discussion, motion was made by Mayor London and seconded by Commissioner Douglass to adopt the Resolution requesting that NOAA enforce Monroe County's Personal Watercraft Ordinance within the waters of the Florida Keys National Marine Sanctuary. Roll call vote was taken with the following results:

Commissioner Douglass	Yes
Commissioner Harvey	No
Commissioner Reich	No
Mayor London	No

Motion failed. Motion was then made by Commissioner Douglass directing Staff to investigate costs and enforcement ramifications of creating zones where personal watercrafts can be operated as compared to the current Ordinance. After further discussion, the motion was withdrawn. Growth Management Director Bob Herman addressed the Board. The item was then referred to Staff.

Commissioner Douglass updated the Board on the Looe Key Artificial Reef Project. Lynda Stuart, Office Manager of the Tourist Development Council and Joe Glenn representing the Artificial Reef Association addressed the Board. Motion was made by Commissioner Douglass and seconded by Commissioner Reich granting conceptual approval of the project and subject to DAC II and County Attorney review. County Administrator James Roberts, County Attorney James T. Hendrick, and Growth Management Director Bob Herman addressed the Board.

Motion was made by Commissioner Reich and seconded by Commissioner Douglass directing Staff to sign permits being held and forward them to the appropriate agencies. Motion carried unanimously.

COMMISSIONERS' ITEMS

Tim Bricker representing the Upper Keys Community Pool addressed the Board concerning the proposed amended wording for the referendum currently on the November ballot related to the Upper Keys Community Pool. Mr. Hendrick also addressed the Board. After discussion, motion was made by Commissioner Reich and seconded by Commissioner Douglass granting approval in concept and directing Staff to work on the language to qualify as a general obligation referendum on the November 3, 1998 ballot. Roll call vote was unanimous.

DIVISION OF PUBLIC WORKS

County Engineer Dave Koppel addressed the Board. The following consultants made presentations for the planning and design of the Upper Keys Community Pool and Family Aquatic Center: Carr Smith Corradino and Thaddeus Cohen. The Board proceeded to ballot on the two consultants on the basis of the lowest point total being the consultant selected, with the

following results:

	Douglass	Harvey	Reich	London	Total
Corradino	1	1	2	2	6
Cohen	2	2	1	1	6

On the basis of the above ballot, motion was made by Mayor London and seconded by Commissioner Harvey to postpone the above item to the September 9, 1998 regularly scheduled Board of County Commissioners' meeting in Marathon. Motion carried unanimously.

Motion was made by Mayor London and seconded by Commissioner Reich to expand the agenda beyond what was already advertised (first budget public hearing date) for the Special Board of County Commissioners' Meeting scheduled on September 3, 1998 in Key Largo at 3:30 P.M. Motion carried unanimously.

MISCELLANEOUS BULK APPROVALS / SOUNDING BOARD

June Helbling updated the Board on the Scenic Highway Project. Betty Vail addressed the Board. No official action was taken.

Motion was made by Commissioner Reich and seconded by Commissioner Douglass granting approval to send a letter of acceptance for a \$60,000 grant award to the Department of Environmental Protection for a comprehensive greenway plan of the Overseas Highway Heritage Trail.

COUNTY ATTORNEY

Attorney Mark Gregg, representing Mike Denius addressed the Board concerning adoption of a Resolution denying a Recommended Order of Vested Rights for Mike Denius for Lots in Sherill Park, MM92, Tavernier. Motion was made by Commissioner Reich and seconded by Commissioner Harvey to grant Mr. Denius' permit. Roll call vote was taken with the following results:

Commissioner Douglass	No
Commissioner Harvey	Yes
Commissioner Reich	Yes
Mayor London	Yes

Motion carried.

INDUSTRIAL DEVELOPMENT AUTHORITY

Representatives of the Key West Brewery addressed the Board concerning the consideration of a request for financing assistance from the Industrial Development Authority. County Administrator James Roberts and Clerk of Court Danny L. Kolhage also addressed the Board. Motion was made by Commissioner Douglass and seconded by Commissioner Reich supporting in concept the Industrial Development Authority's support of the Key West Brewery's request with final approval in the form of an inducement resolution for approval at the Special Board of County Commissioner's meeting on September 3, 1998 in Key Largo, pending financial review. Roll call vote was unanimous.

PUBLIC HEARINGS

A Public Hearing was held concerning a proposed amendment to the Future Land Use Map and the Land Use District (Zoning) Map for applicant/property owner Ida Welborn, requesting a future land use change from Residential Medium (RM) to Mixed Use/Commercial (MC) to Suburban Commercial (SC) for property described as Lots 10 and 11, Resubdivision of Seaside, Section 14, Township 62 South, Range 38 East, at approximate MM 94.5, Key Largo. This "transmittal" hearing is the first of two public hearings required for amendments to the comprehensive plan. Planning Director Timothy McGarry and County Attorney, James T. Hendrick addressed the Board.

A Public Hearing was held concerning a proposed Development Agreement requested by applicant/property owner Ida Welborn to establish an American Legion meeting hall on Lots 7 through 11, Resubdivision of Seaside, Section 14, Township 62 South, Range 38 East, at approximate MM94.5, Key Largo. After discussion, motion was made by Commissioner Reich and seconded by Commissioner Douglass to continue the above Public Hearings to the September 3, 1998 Special Board of County Commissioners' meeting in Key Largo at 1:00 p.m. Roll call vote was unanimous.

A Public Hearing was held concerning adoption of an Ordinance amending Section 9.5-336 through 9.5-342 of the Monroe County Land Development Regulations pertaining to the Habitat Evaluation Index (HEI), in order to better differentiate high, moderate, and low quality habitats. Environmental Resources Director Ross Alliston addressed the Board.

A Public Hearing was held to approve transmitting an Ordinance amending the Monroe County Year 2010 Comprehensive Plan Policy 205.2.6 to the Department of Community Affairs for review. The Environmental Resources Department is proposing the revision

concerning environmental open space requirements to allow additional clearing of vegetation on smaller lots.

A Public Hearing was held to consider revisions to Section 9.5-343 of the Monroe County Land Development Regulations. The Environmental Resources Department is proposing the revision concerning environmental open space requirements to allow additional clearing of vegetation on smaller lots. After discussion, motion was made by Mayor London and seconded by Commissioner Reich to postpone the above Public Hearings until the Land Development Regulations are in finalized form. Roll call vote was unanimous.

CONSENT AGENDA / BULK APPROVALS

Motion was made by Commissioner Reich and seconded by Commissioner Douglass to reconsider Agenda item K-6 concerning the adoption of a Resolution authorizing Lewis Environmental Services (LES) to subcontract the remaining work under the existing contract to develop a revised Habitat Evaluation Index (HEI, section 9.5-336 through 9.5-342, Monroe County Land Development Regulations) to Jon Guerry Taylor, P.E., Inc. and extending the completion date for all remaining contract deliverables to August 12, 1998. Motion carried unanimously.

Motion was made by Commissioner Reich and seconded by Commissioner Douglass granting approval to extend the completion date for the above item for all remaining contract deliverables to **December 30, 1998**. See Resolution No. 319-1998, Pg. 98/238. Motion carried unanimously.

COMMISSIONERS' ITEMS

Commissioner Harvey discussed the canceling of notices from the Department of HRS concerning cesspits. The Board took no official action.

Commissioner Harvey discussed sand replacement at the Grassy Key Motel. The Board took no official action.

COUNTY ATTORNEY

County Attorney James T. Hendrick discussed the following litigation: Holcomb v. Monroe County; Davila v. Monroe County; and Martin v. Monroe County.

Mr. Hendrick addressed the Board. Motion was made by Mayor London and seconded by Commissioner Harvey to adopt the following Resolution establishing the grounds upon which a Motion for Disqualification of a Monroe County Special Master or Hearing Officer shall be based and the criteria to be used in ruling on such a motion. Roll call vote was taken with the following results:

Commissioner Douglass	Yes
Commissioner Harvey	Yes
Commissioner Reich	No
Mayor London	Yes

Motion carried.

RESOLUTION NO. 336-1998

See Res. Book No. 139 which is incorporated herein by reference.

Motion was made by Commissioner Harvey and seconded by Mayor London granting approval to negotiate a contract for purchase of the reverter rights to the Grassy Key translator site for approximately \$7,500 and authorization for Mayor to execute same. Motion carried unanimously.

Mr. Hendrick discussed a response to the City of Layton's Tax Petition. Motion was made by Commissioner Douglass and seconded by Commissioner Harvey that Monroe County will consider their request in its' budgetary process to the extent required by law and that the petition is legally insufficient. Roll call vote was taken with the following results:

Commissioner Douglass	Yes
Commissioner Harvey	Yes
Commissioner Reich	No
Mayor London	Yes

Motion carried.

There being no further business to come before the Board, the meeting was adjourned.

Clerk to the Board of County
Commissioners of Monroe County

Deputy Clerk